

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

DR. VELTON C. WHITE and
DONNA WHITE,

Plaintiffs,

v.

Case No. 07-CV-892

MICHAEL C. MARSHALL,
SUPER SPRING ORTHODONTICS, LLC,
SPEEDALIGNERS, LLC,
NIGHTSHIFT LLC, and
DANIEL L. BISHOP

Defendants.

DECLARATION OF JOHN P. FREDRICKSON

I, John P. Fredrickson declare and state as follows:

1. I am a shareholder in the law firm of Boyle Fredrickson, S.C. I am one of the attorneys for the plaintiffs in this action, and I make this declaration on the basis of my personal knowledge.

2. On Wednesday April 21, 2010, I spoke with Michael Marshall on the telephone concerning the attorneys fees awarded by the Court in its April 1, 2010 Order. He advised me that neither Super Spring nor Speedaligners was intending to retain counsel to represent them in this action.

3. I followed up that conversation with an email on Friday, April 23, 2010, seeking defendant Marshall's agreement to the specific amount of \$1,242.50 requested by plaintiffs, and requested that Mr. Marshall advise whether he objected and the basis for any objection. Mr.

Marshall's response was, "Whatever," (see attached April 23, 2010 email reply from Mr. Marshall), which I understand to mean that there is no objection to the requested amount of \$1,242.50

This declaration is executed under penalty of perjury in Milwaukee, Wisconsin this 30th day of April, 2010.

/s/ John P. Fredrickson
John P. Fredrickson

John Fredrickson

From: Michael Marshall [mmarshall@speedaligners.com]**Sent:** Friday, April 23, 2010 2:58 PM**To:** John Fredrickson**Subject:** RE: White v Marshall

Whatever

Michael Marshall
 Managing Director
 Nightshift, LLC
 4629 52nd Ave. Suite C
 Kenosha, WI 53144
 262-653-9400 or 800-349-2292
<http://www.nightshiftortho.com>

From: John Fredrickson [mailto:jpf@boylefred.com]**Sent:** Friday, April 23, 2010 2:34 PM**To:** mmarshall@speedaligners.com**Subject:** White v Marshall

Mike,

When we spoke on the phone on Wednesday, I mentioned the reference in the Court's order regarding the amount of the attorneys fees to be awarded in connection with the motion to compel. You indicated an inability to pay any fees so that we should file whatever we needed to. However, the Court ordered that we submit an agreed order concerning the *amount* of the fee award. My time records reflect 3.5 hours spent on the motion, which is a total of \$1,242.50 at my hourly rate of \$355. Please advise if you object to that as the amount of the award, and if so, the basis of your objection.

Also, I am confirming your statement to me that you anticipated providing me with interrogatory answers and documents as requested by May 1, the date your answer to the amended complaint is due.

John

JOHN P. FREDRICKSON
BOYLE FREDRICKSON S.C.
 Intellectual Property Law

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